

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11069-JLT**

Philip v. Cronin
Assigned to: Judge Joseph L. Tauro
Cause: 42:1983 Civil Rights Act

Date Filed: 05/24/2004
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

MD Abraham Philip

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V.

Defendant

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Date Filed	#	Docket Text
05/24/2004	<u>1</u>	COMPLAINT Filing fee: \$ 150, receipt number 56153, filed by Abraham Philip.(Abaid, Kim) (Entered: 05/25/2004)
05/24/2004		Summons Issued as to John Cronin. (Abaid, Kim) (Entered: 05/25/2004)
05/24/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Abaid, Kim) (Entered: 05/25/2004)

		05/25/2004)
06/17/2004	<u>2</u>	SUMMONS Returned Executed John Cronin served on 6/14/2004, answer due 7/5/2004. (Abaid, Kim) (Entered: 06/21/2004)
06/30/2004	<u>3</u>	NOTICE of Appearance by Mary E. O'Neil on behalf of John Cronin (Abaid, Kim) (Entered: 06/30/2004)
07/07/2004	<u>4</u>	AMENDED COMPLAINT against John Cronin , filed by Abraham Philip.(Abaid, Kim) (Entered: 07/08/2004)
07/14/2004	<u>5</u>	MOTION for Entry of Default by Abraham Philip.(Abaid, Kim) (Entered: 07/16/2004)
07/14/2004	<u>6</u>	AFFIDAVIT in Support re <u>5</u> MOTION for Entry of Default. (Abaid, Kim) (Entered: 07/16/2004)
08/03/2004		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>5</u> Motion for Entry of Default, finding as moot <u>7</u> Motion for Default Judgment. See docket entry <u>5</u> . (Abaid, Kim) (Entered: 08/17/2004)
08/16/2004	<u>7</u>	MOTION for Default Judgment as to John Cronin by Abraham Philip.(Abaid, Kim) (Entered: 08/17/2004)
08/16/2004	<u>8</u>	AFFIDAVIT in Support re <u>7</u> MOTION for Default Judgment as to John Cronin. (Abaid, Kim) (Entered: 08/17/2004)
08/17/2004	<u>9</u>	NOTICE: Clerk's ENTRY OF DEFAULT as to John Cronin (Abaid, Kim) (Entered: 08/17/2004)
08/17/2004	<u>10</u>	Judge Joseph L. Tauro : ORDER entered STANDING ORDER on motions for default judgment re <u>9</u> Notice: Clerk's Entry of Default filed by John Cronin(Abaid, Kim) (Entered: 08/17/2004)
08/17/2004	<u>11</u>	ANSWER to Complaint by John Cronin.(O'Neil, Mary) (Entered: 08/17/2004)
08/24/2004	<u>12</u>	First MOTION to Set Aside Default <i>Entry</i> by John Cronin. (O'Neil, Mary) (Entered: 08/24/2004)
09/01/2004		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>12</u> Motion to Set Aside Default (Abaid, Kim) (Entered: 09/01/2004)
09/17/2004	<u>13</u>	NOTICE of Scheduling Conference Scheduling Conference set for 11/2/2004 11:30 AM in Courtroom 20 before Judge Joseph

		L. Tauro. (Lovett, Zita) (Entered: 09/17/2004)
09/17/2004	●14	Judge Joseph L. Tauro : RULE 26 DISCOVERY ORDER entered. (Lovett, Zita) (Entered: 09/17/2004)
10/25/2004	●15	Document disclosure by John Cronin.(O'Neil, Mary) (Entered: 10/25/2004)
10/26/2004	●16	Document disclosure by Abraham Philip.(Sharp, Elaine) (Entered: 10/26/2004)
11/02/2004	●17	Judge Joseph L. Tauro : ORDER entered re Discovery. The Parties shall fully comply with this courts' rule 26 discovery order <u>14</u> by November 25, 2004. The parties shall complete discovery by March 31, 2005. No additional discovery will be permitted without leave of this court. A Further Conference is scheduled for April 11, 2005 at 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro. (Abaid, Kim) (Entered: 11/03/2004)
02/09/2005	●18	MOTION for Discovery <i>to change list of deponents</i> by Abraham Philip.(Sharp, Elaine) (Entered: 02/09/2005)
02/28/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>18</u> Motion for Discovery to Substitute Witnesses to be Deposed. (Abaid, Kim) (Entered: 02/28/2005)
03/03/2005	●19	Assented to MOTION for Extension of Time to May 31 2005 to Complete Discovery by Abraham Philip.(Sharp, Elaine) (Entered: 03/03/2005)
03/10/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>19</u> Motion for Extension of Time to Complete Discovery (Lovett, Zita) (Entered: 03/10/2005)
04/07/2005	●	NOTICE by the COURT; A further conference is scheduled to June 7, 2005 at 11:00 a.m. (Lovett, Zita) (Entered: 04/07/2005)
04/25/2005	●20	NOTICE of Appearance by Jean M. Kelley on behalf of John Cronin (Abaid, Kim) (Entered: 04/26/2005)
04/25/2005	●21	MOTION for Extension of Time to July 29, 2005 to Complete Discovery by John Cronin.(Abaid, Kim) (Entered: 04/26/2005)
04/25/2005	●22	MEMORANDUM in Support re <u>21</u> MOTION for Extension of Time to July 29, 2005 to Complete Discovery filed by John Cronin. (Abaid, Kim) (Entered: 04/26/2005)

04/25/2005	<u>23</u>	CERTIFICATE OF CONSULTATION re <u>21</u> MOTION for Extension of Time to July 29, 2005 to Complete Discovery by Jean M. Kelley on behalf of John Cronin. (Abaid, Kim) (Entered: 04/26/2005)
05/03/2005		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>21</u> Motion for Extension of Time to Complete Discovery to July 29, 2005. NO FURTHER EXTENSIONS WILL BE GRANTED. The conference scheduled for June 7, 2005 is cancelled. A pre-trial conference is set for August 2, 2005 at 10:00 a.m. (Lovett, Zita) (Entered: 05/03/2005)
06/09/2005	<u>24</u>	MOTION for Partial Summary Judgment <i>on Issue of Speech on Public Concern</i> by Abraham Philip.(Sharp, Elaine) (Entered: 06/09/2005)
06/09/2005	<u>25</u>	STATEMENT OF UNDISPUTED FACTS by Abraham Philip.(Sharp, Elaine) Modified on 6/27/2005 (Abaid, Kim). (Entered: 06/09/2005)
06/09/2005	<u>26</u>	MEMORANDUM in Support of Motion for Partial Summary Judgment by Abraham Philip.(Sharp, Elaine) Modified on 6/27/2005 (Abaid, Kim). (Entered: 06/09/2005)
06/09/2005	<u>27</u>	Exhibits to <u>24</u> Motion for Partial Summary Judgment by Abraham Philip.(Sharp, Elaine) Modified on 6/27/2005 (Abaid, Kim). (Entered: 06/09/2005)
06/09/2005	<u>28</u>	Statement of Compliance with LR 7.1 by Abraham Philip. (Sharp, Elaine) Modified on 6/27/2005 (Abaid, Kim). Modified on 6/27/2005 (Abaid, Kim). (Entered: 06/09/2005)
06/14/2005	<u>29</u>	MOTION to Stay Plaintiff's Motion for Partial Summary Judgment by John Cronin.(Abaid, Kim) (Entered: 06/14/2005)
06/14/2005	<u>30</u>	MEMORANDUM in Support re <u>29</u> MOTION to Stay Plaintiff's Motion for Partial Summary Judgment filed by John Cronin. (Abaid, Kim) (Entered: 06/14/2005)
06/14/2005	<u>31</u>	CERTIFICATE OF CONSULTATION by Jean M. Kelley on behalf of John Cronin. (Abaid, Kim) (Entered: 06/14/2005)
06/17/2005	<u>32</u>	Opposition re <u>29</u> MOTION to Stay <i>decision on plaintiff's motion for partial summary judgment on issue of "speech of public concern"</i> filed by Abraham Philip. (Sharp, Elaine) (Entered: 06/17/2005)
06/23/2005	<u>33</u>	Opposition re <u>24</u> MOTION for Partial Summary Judgment

		filed by John Cronin. (Abaid, Kim) (Entered: 06/27/2005)
06/23/2005	<u>34</u>	Response by John Cronin to <u>25</u> Statement of Undisputed Facts. (Abaid, Kim) (Entered: 06/27/2005)
06/27/2005	●	Notice of correction to docket made by Court staff. Correction: Docket Entries 24 through 28 corrected because: Changed docket data to reflect actual document. These documents are not motions and the wrong events were used. (Abaid, Kim) (Entered: 06/27/2005)
06/27/2005	●	Motions terminated: <u>25</u> Statement of Undisputed Facts <u>26</u> Memorandum in Support of Motion for Partial Summary Judgment <u>27</u> Exhibits to Motion for Partial Summary Judgment <u>28</u> Statement of Compliance with LR 7.1 (Abaid, Kim) (Entered: 06/27/2005)
06/28/2005	<u>35</u>	Judge Joseph L. Tauro : ORDER entered <u>29</u> Motion to Stay the Motion for Partial Summary Judgment is ALLOWED as follows: A) Consistent with this court's prior order that no further extensions will be granted, Defendant may further respond to Plaintiffs' Motion for Partial Summary Judgment by August 12, 2005, fourteen days after the close of discovery. (Abaid, Kim) (Entered: 06/29/2005)
08/01/2005	●	NOTICE by the COURT: the status/pre-trial conference set for August 2, 2005 is cancelled. (Lovett, Zita) (Entered: 08/01/2005)
08/12/2005	<u>36</u>	Supplemental Opposition re <u>24</u> MOTION for Partial Summary Judgment <i>on Issue of Speech on Public Concern</i> filed by John Cronin. (Attachments: # <u>1</u> Exhibit 3# <u>2</u> Deposition Exhibit 12# <u>3</u> Deposition Exhibit 26# <u>4</u> Deposition Exhibit 27)(Abaid, Kim) (Entered: 08/15/2005)
08/26/2005	●	NOTICE by the COURT: a hearing on the motion for summary judgement will be held on October 5, 2005 at 10:00 a.m. (Lovett, Zita) (Entered: 08/26/2005)
09/22/2005	<u>37</u>	MOTION for Summary Judgment by John Cronin.(Abaid, Kim) (Entered: 09/22/2005)
09/22/2005	<u>38</u>	MEMORANDUM in Support re <u>37</u> MOTION for Summary Judgment filed by John Cronin. (Abaid, Kim) (Entered: 09/22/2005)
09/22/2005	<u>39</u>	STATEMENT of Undisputed Facts in Support of <u>37</u> MOTION

		for Summary Judgment. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Abaid, Kim) (Entered: 09/22/2005)
10/04/2005	●	NOTICE by the COURT: the motion hearing scheduled for October 5,2005 is cancelled, it is re-scheduled for November 9, 2005 at 10:00 a.m.the response to the latest motion shall be filed by October 5, 2005. (Lovett, Zita) (Entered: 10/04/2005)
10/07/2005	● <u>40</u>	Joint MOTION to Continue motions for summary judgment to 12/05/2005 by Abraham Philip.(Sharp, Daniel) (Entered: 10/07/2005)
10/17/2005	●	Judge Joseph L. Tauro : ElectronicORDER entered denying <u>40</u> Motion to Continue; it is further orderd that the opposition be filed by 10/21/2001, if it is going to be considered. (Lovett, Zita) (Entered: 10/17/2005)
10/27/2005	● <u>41</u>	First MOTION for Extension of Time to October 31, 2005 to File Response/Reply by Abraham Philip.(Sharp, Daniel) (Entered: 10/27/2005)
10/31/2005	●	Judge Joseph L. Tauro : ElectronicORDER entered granting <u>41</u> Motion for Extension of Time to File Response/Reply re <u>37</u> MOTION for Summary Judgment Responses due by 10/31/2005 (Abaid, Kim) (Entered: 10/31/2005)
10/31/2005	● <u>42</u>	MEMORANDUM in Opposition re <u>37</u> MOTION for Summary Judgment filed by Abraham Philip. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u>)(Sharp, Daniel) (Entered: 10/31/2005)
11/09/2005	● <u>43</u>	Judge Joseph L. Tauro : ORDER entered. <u>24</u> Motion for Partial Summary Judgment on Issue of "Speech of Public Concern" is DENIED WITHOUT PREJUDICE to raising the issue at trial. <u>37</u> Motion for Summary Judgment is DENIED WITHOUT PREJUDICE to raising the issues at trial. All interrogatories are hereby expunged. Trial will begin on March 13, 2006 at 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro.(Abaid, Kim) (Entered: 11/10/2005)
02/28/2006	● <u>44</u>	Judge Joseph L. Tauro : ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 3/7/2006 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro. Jury Trial set for 3/13/2006 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro.(Abaid, Kim) (Entered: 02/28/2006)

03/07/2006	<u>46</u>	JOINT PRETRIAL MEMORANDUM by Abraham Philip, John Cronin. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Abaid, Kim) (Entered: 03/09/2006)
03/08/2006	<u>45</u>	NOTICE of Appearance by Brian M. Donovan on behalf of John Cronin (Donovan, Brian) (Entered: 03/08/2006)
03/10/2006	<u>47</u>	TRIAL BRIEF <i>Defendant's Supplement to Joint Pretrial Memorandum</i> by John Cronin. (Donovan, Brian) (Entered: 03/10/2006)
03/10/2006	<u>48</u>	MOTION in Limine to <i>Establish Plaintiff's Statements were "Of Public Concern"</i> by Abraham Philip.(Sharp, Daniel) (Entered: 03/10/2006)
03/10/2006	<u>49</u>	EXHIBIT re <u>48</u> MOTION in Limine to <i>Establish Plaintiff's Statements were "Of Public Concern"</i> Exhibit 6 by Abraham Philip. (Sharp, Daniel) (Entered: 03/10/2006)
03/10/2006	<u>50</u>	EXHIBIT re <u>48</u> MOTION in Limine to <i>Establish Plaintiff's Statements were "Of Public Concern"</i> Exhibit 8 by Abraham Philip. (Sharp, Daniel) (Entered: 03/10/2006)
03/10/2006	<u>51</u>	EXHIBIT re <u>48</u> MOTION in Limine to <i>Establish Plaintiff's Statements were "Of Public Concern"</i> Exhibit 7, parts 1 and 2 by Abraham Philip. (Attachments: # <u>1</u> Exhibit Exhibit 7, part 2)(Sharp, Daniel) (Entered: 03/10/2006)
03/10/2006	<u>52</u>	EXHIBIT re <u>48</u> MOTION in Limine to <i>Establish Plaintiff's Statements were "Of Public Concern"</i> exhibit 7, parts 3 and 4 by Abraham Philip. (Attachments: # <u>1</u> Exhibit exhibit 7, parts 2 and 3)(Sharp, Daniel) (Entered: 03/10/2006)
03/10/2006	<u>53</u>	EXHIBIT re <u>48</u> MOTION in Limine to <i>Establish Plaintiff's Statements were "Of Public Concern"</i> Exhibit 1 by Abraham Philip. (Sharp, Daniel) (Entered: 03/10/2006)
03/10/2006	<u>54</u>	EXHIBIT re <u>48</u> MOTION in Limine to <i>Establish Plaintiff's Statements were "Of Public Concern"</i> Exhibit 2 by Abraham Philip. (Sharp, Daniel) (Entered: 03/10/2006)
03/10/2006	<u>55</u>	EXHIBIT re <u>48</u> MOTION in Limine to <i>Establish Plaintiff's Statements were "Of Public Concern"</i> exhibits 3, 4, and 5 by Abraham Philip. (Attachments: # <u>1</u> # <u>2</u>)(Sharp, Daniel) (Entered: 03/10/2006)
03/12/2006	<u>56</u>	Proposed Voir Dire by Abraham Philip. (Sharp, Daniel) (Entered: 03/12/2006)

03/12/2006	57	MOTION in Limine Regarding "Other Bad Acts" by Abraham Philip.(Sharp, Daniel) (Entered: 03/12/2006)
03/12/2006	58	NOTICE by Abraham Philip of Trial Exhibit Produced by Defendant (Attachments: # 1)(Sharp, Daniel) (Entered: 03/12/2006)
03/12/2006	59	EXHIBIT re 57 MOTION in Limine Regarding "Other Bad Acts" by Abraham Philip. (Attachments: # 1)(Sharp, Daniel) (Entered: 03/12/2006)
03/12/2006	60	MOTION in Limine to Exclude Testimony of Plaintiff's Proposed Witnesses by John Cronin.(Donovan, Brian) (Entered: 03/12/2006)
03/12/2006	61	Opposition re 48 MOTION in Limine to Establish Plaintiff's Statements were "Of Public Concern" filed by John Cronin. (Donovan, Brian) (Entered: 03/12/2006)
03/12/2006	62	MOTION in Limine to Prohibit any Reference to Workplace Violence by Abraham Philip.(Sharp, Daniel) (Entered: 03/12/2006)
03/12/2006	63	EXHIBIT re 62 MOTION in Limine to Prohibit any Reference to Workplace Violence by Abraham Philip. (Sharp, Daniel) (Entered: 03/12/2006)
03/12/2006	64	Plaintiff's Amended Potential Exhibit List by Abraham Philip.. (Sharp, Daniel) (Entered: 03/12/2006)
03/13/2006		Judge Joseph L. Tauro : Electronic ORDER entered granting 48 Motion in Limine, denying without prejudice 57 Motion in Limine, denying without prejudice 60 Motion in Limine, denying without prejudice 62 Motion in Limine. (Abaid, Kim) (Entered: 03/13/2006)
03/13/2006	65	MOTION in Limine Regarding Telephone Conversations Between Plaintiff and New England Organ Bank by John Cronin.(Abaid, Kim) (Entered: 03/13/2006)
03/13/2006	66	MOTION in Limine Regarding Documents Prepared by Plaintiff Relating to Michael Williamson and John Weir by John Cronin.(Abaid, Kim) (Entered: 03/13/2006)
03/13/2006		Judge Joseph L. Tauro : Electronic ORDER entered denying without prejudice 65 Motion in Limine, denying without prejudice 66 Motion in Limine (Abaid, Kim) (Entered: 03/13/2006)

03/13/2006	<u>67</u>	First Proposed Jury Instructions by Abraham Philip. (Sharp, Daniel) (Entered: 03/13/2006)
03/13/2006	<u>68</u>	MOTION in Limine to Bar Evidence of Motive for Public Speech by Abraham Philip.(Sharp, Daniel) (Entered: 03/14/2006)
03/13/2006	<u>72</u>	Witness List by Abraham Philip. (Abaid, Kim) (Entered: 03/16/2006)
03/13/2006		ElectronicClerk's Notes for proceedings held before Judge Joseph L. Tauro : Jury Selection held on 3/13/2006, Jury Trial Day 1 held on 3/13/2006. Opening statements. Plaintiff begins evidence. (Court Reporter Carol L. Scott.) (Abaid, Kim) (Entered: 03/29/2006)
03/14/2006		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>68</u> Motion in Limine (Abaid, Kim) (Entered: 03/14/2006)
03/14/2006	<u>69</u>	Second MOTION in Limine to Preclude Evidence of Violence by Abraham Philip.(Sharp, Daniel) (Entered: 03/14/2006)
03/14/2006	<u>71</u>	Defendant's Proposed Jury Instructions. (Abaid, Kim) (Entered: 03/16/2006)
03/14/2006		ElectronicClerk's Notes for proceedings held before Judge Joseph L. Tauro : Jury Trial Day 2 held on 3/14/2006. Evidence continues. (Court Reporter Carol L. Scott.) (Abaid, Kim) (Entered: 03/29/2006)
03/15/2006	<u>70</u>	MOTION in Limine to Exclude Testimony of K.J. O'Connor by Abraham Philip.(Sharp, Daniel) (Entered: 03/15/2006)
03/15/2006		Judge Joseph L. Tauro : Electronic ORDER entered denying without prejudice <u>69</u> Motion in Limine (Abaid, Kim) (Entered: 03/20/2006)
03/15/2006		ElectronicClerk's Notes for proceedings held before Judge Joseph L. Tauro : Jury Trial Day 3 held on 3/15/2006. Evidence continues. (Court Reporter Carol L. Scott.) (Abaid, Kim) (Entered: 03/29/2006)
03/16/2006		Judge Joseph L. Tauro : Electronic ORDER entered denying <u>70</u> Motion in Limine (Abaid, Kim) (Entered: 03/16/2006)
03/16/2006	<u>73</u>	MOTION for Directed Verdict by John Cronin.(Abaid, Kim) (Entered: 03/16/2006)

03/16/2006	74	MEMORANDUM in Support re 73 MOTION for Directed Verdict filed by John Cronin. (Abaid, Kim) (Entered: 03/16/2006)
03/16/2006		Judge Joseph L. Tauro : Electronic ORDER entered 73 Motion for Directed Verdict is ALLOWED essentially for the reasons covered in the Defendant's accompanying memorandum. (Abaid, Kim) (Entered: 03/16/2006)
03/16/2006	75	Witness List. (Abaid, Kim) (Entered: 03/16/2006)
03/16/2006	76	Exhibit List. (Abaid, Kim) (Entered: 03/16/2006)
03/16/2006		ElectronicClerk's Notes for proceedings held before Judge Joseph L. Tauro : Jury Trial Day 4 held on 3/16/2006. Plaintiff rests. Defendants file Motion for Directed Verdict. Motion Allowed in open court. Jury dismissed. (Court Reporter Carol L. Scott.) (Abaid, Kim) (Entered: 03/29/2006)
04/03/2006	77	Judge Joseph L. Tauro : ORDER entered. JUDGMENT in favor of Defendant against Plaintiff(Abaid, Kim) (Entered: 04/03/2006)
04/17/2006	78	NOTICE OF APPEAL as to 77 Judgment by Abraham Philip. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/8/2006. (Sharp, Daniel) (Entered: 04/17/2006)
04/24/2006		Filing fee: \$ 455.00, receipt number 71973 for 78 Notice of Appeal, (Abaid, Kim) (Entered: 04/24/2006)
05/16/2006	79	NOTICE of Withdrawal of Appearance by Jean M. Kelley (Kelley, Jean) (Entered: 05/16/2006)